

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA

JOIECEL RIVIERA

Complainant,

v.

CASE NO.:

CITY OF CHESAPEAKE

Respondent.

SERVE:

Jacob P. Stroman, Esq.
Chesapeake City Attorney
306 Cedar Road,
Chesapeake Virginia 23322

COMPLAINT

1. On or about December 12, 2019, Joiecel Riviera started working for the City of Chesapeake.
2. Rivera worked in Public Works Department in the Waste Management Division.
3. Her job title was Waste Management Inspector.
4. Rivera reported to Jeffery Spencer, Waste Management Division Supervisor.
5. On or about January 14, 2020, Spencer commented on Riviera's attire.
6. Spencer said, "What a form-fitting dress".
7. On or about January 15, 2020, Spencer began consistently scrutinizing Riviera's attire.
8. On or about January 16, 2020, Spencer asked Riviera to remove her coat and turn around.
9. Riviera felt uncomfortable but complied with Spencer's request.
10. Riviera turned as Spencer inspected her.
11. On or about January 22, 2020, Spencer began making inappropriate remarks to Riviera.
12. Spenser stated, "I know a man who shit himself as he ejaculated during sex."
13. On or about January 28, 2020, Spencer explained to Riviera in detail how Navy men would "suppress" highly sought-after females.

14. Spenser explained to Riviera that the “Navy Way” of dealing with hard headed women was to demote them in pay and or rank, deny leave time, isolate them, or not communicate with them at all.
15. According to Spenser, complete silence was a way to ‘break down’ those females and that sex was their option out.
16. On or about January 28, 2020, Spencer said to Riviera, “The Captains, Lieutenants, and the Enlisted know what’s going on; but no one says anything.”
17. Spencer told Riviera that there would be reports of all kinds presented as legitimate concerns and or complaints and that’s about the time the females would fold and give in to sexual requests.
18. On or about January 28, 2020, Spencer told Riviera, “the strong fighter ones like you; they get broken down hard”.
19. Spencer went on to say, “But those usually get isolated to do the worst jobs until they are placed elsewhere or separated from the military altogether”.
20. Spencer explained to Riviera, “But when a Master Chief, Warrant Officer or any higher-ranked official wanted someone, they got her; one way or another or ruined her career.
21. Spencer made some form of sexual statement to Riviera daily.
22. Spencer shared Mouth vs. Anal situations or Penis and Vagina jokes daily.
23. Spencer sent Riveria sexually explicit text messages.
24. For example, Spencer sent Riveria via text message a file titled, “Black males working out with hard dicks”.
25. The above mentioned photos came from www.xvideos.com website.
26. On or about February 20, 2020, Spencer repeatedly asked or made comments about Riviera’s “relationships” with male co-workers.
27. Spencer implied that all of the male co-workers and Riviera were in asexual relationship.
28. On or about February 20, 2020, Rivera went to brush her teeth. Spencer stated that Riviera was “giving blow jobs” to all the men interviewed in the office.
29. On or about March 4, 2020, Riviera called Kelvin Foye, Senior Human Resource Manager for the City of Chesapeake, anonymously to ask questions on how to file a ‘sexual harassment complaint about the sexual comments and the ‘isolation’ methods used.

30. On or about March 23, 2020, Riviera complained to Tiffany Griffin, Senior Human Resources Generalist for Chesapeake regarding how she was being treated on the job.
31. Griffin emailed 'Employee Concerns Forms' for Riviera to file a complaint.
32. On or about March 31, 2020, Spencer asked Riviera about her relationship with men.
33. On or about March 31, 2020, Spencer asked Riviera about her sexual preferences.
34. On or about April 8, 2020, Spencer, suggested that Riviera wear a work uniform.
35. Riviera advised Spencer, that work uniform had never been suggested to any male Waste Management Inspector.
36. On or about April 9, 2020, Spencer offered to 'buy a personal pizza' for Riviera.
37. On or about April 16, 2020, Waste Management location, Jeffrey Spencer explained that several women complained about Riviera's attire.
38. According to Spencer, Riviera's, attire was to sexy and erotic to perform inspector duties.
39. On or about April 17, 2020, Lillie Hughes, Nannie Shabazz, Pat Askew, Sydney Trotter, Greg Martin (Department Administrator), Vanessa Knight, Jackie (Safety), Tonya Hill, Monica Blake complained to Jeffery Spencer and Human Resources regarding the clothes Riviera wore to work.
40. Spencer told Riviera, "It doesn't matter if the silk/linen pants looked or flowed like a skirt".
41. Spencer explained that they were Bermuda shorts' therefore, they are not proper work attire.
42. Spencer acknowledged that 'Bermuda shorts' were below Riviera's knees, and he forbade her from wearing them.
43. Riviera complained about Spencer's inappropriate comments to Lillie Hughes, Field Supervisor, Waste Management.
44. Huges advised Riviera that she just wanted Spencer's last few years to be smooth.
45. As a result, Hughes failed to take any action regarding Riviera's complaint about Spencer sexually harassing her on the job.
46. On or about April 18, 2020, Riviera in a text message to Spencer empahzied her commitment to meet the goals and objectives of he Department.

47. On April 29, 2020, Riviera sent a second text message to Spencer, indicating that she was committed to “staying true to her values and integrity”.
48. On or about April 30, 2020, Riviera told Spencer that she would like to get closer to the office ladies because she needed allies, not enemies.
49. Spencer stated, “I’m just telling you so that you know the type of women you’re trying to get close to.
50. Spencer went on to say, although they all have significant issues, you don’t need to involve yourself with them either.”
51. On or about April 29, 2020, Spencer made a sexual comment about Lillie Hughes to Riviera.
52. Spencer said, “Lillie Hughes, uses vinegar as a method to clean her pussy”.
53. Spencer, stated that ”some women after they have sex outside of their marriage, they used vinegar to tighten their vagina”.
54. Spencer went on to say that ‘Their husband couldn’t smell the after sex and the vagina would be tight, misleading the husband.
55. On or about May 18, 2020, Spencer informed Riviera that all the females complain about her to Human Resource.
56. Spencer advised Riviera that at some point, Human Resources would start looking at her as the aggressor”.
57. On or about May 19, 2020, Riviera, contacted Tiffany Griffin and advised Griffin about the negative comments made regarding her attire.
58. On or about the end of June 2020, Griffin sent Kelvin Foye, Senior H/R Manager, to ask him if Human Resources should investigate Riviera’s allegations of sexual harassment.
59. Foye said, “Just collect Facts. Nothing Formal.”
60. Foye refused to launch a formal investigation after several complaints from Riviera.
61. On or About July 15, 2020, Riviera texted Spencer to inform him she would be late.
62. On or about July 26, 2020, in a text message, Spencer commented to Riviera how a Minister could appreciate her’ physique and beauty.
63. On or about August 29, 2020, Spencer texted Riviera regarding a sexual ‘workout’ video.

64. On or about September 2, 2020, Spencer told Riviera, “I’m just letting you know what they’re saying and doing against you. All of them will smile in your face and do you dirty behind your back.
65. Spencer went on to say that the women, will latch together to get her.
66. On or about September 2, 2020, Riviera statetold Spencer, “I was born a female. I’m a woman. I will look, dress, reflect and smell like the feminine woman I am”.
67. On or about September 2, 2020, Riviera stated, “regarding the men complaining; they should learn to look at a woman without their chauvinistic patronizing eye.”
68. On or about September 2, 2020, Riviera stated, “Your eyes are lying to you. They are hindering professionalism and exposing your incompetence.
69. On or about September 2, 2020, Riviera stated As for the rest maybe; there should be a memo sent to Human Resources how none of you can get right behind your interests or desires”. Get right, LEAVE ME THE Fuck ALONE”.
70. On or About September 15, 2020, Riviera applied for General Supervisor Position.
71. Riviera was denied the General Supervisor position.
72. On or About September 16, 2020, Riviera challenged Spencer for failing to a compensation claim for Connie Davis was injured on the job.
73. On or about or about September 17, 2020, Spencer questioned Davis’s injury.
74. Spensor failed to process Davis’s injury claim.
75. On or About October 13, 2020, Riviera in a text message to Spencer. Advised him that she had a family emergency.
76. She indicated that she had to take care of her grandson and that as a result, she would be late for work.
77. On or about November 1, 2020, Spencer, via text message, asked Riviera to ‘apply’ and fill out applications for other employees seeking to advance to different city positions.
78. Riviera followed his instructions.
79. On or about November 14, 2020, Spencer verbally counseled Riviera for speaking Spanish with Candido Rivera, s co-woirker.
80. Spenser advised Riviera that speaking Spanish was unprofessional.
81. Spenser also advised Riviera that people will think that you are talking about them.

82. Spencer stated, “Joyce from XCzH.R already said I could ask you to refrain from speaking your native language in front of other people”.
83. Spencer went on to say, “In this building, the primary language is English, and the preceding language in America is English”.
84. This comment was made in the presence of Steve Bunt.
85. Bunt stated he hated hearing his parents talk German because he felt they were talking about him.
86. On or about November 16, 2020, Spencer commented about a video taken of Riviera.
87. Riviera was very disturbed and asked Spencer to do something.
88. Spencer ‘dismissed’ the video and misled Riviera to believe others were out to break her down.
89. Spencer failed to follow up on the video recording of Riviera.
90. Spencer failed to take any action against the employee that recorded the video..
91. On or about December 14, 2020, Riviera, complited her twelve month probationary period.
92. On or about December 14, 2020 Riviera met with Tiffany Griffin.
93. Griffin advised Riviera , that her attire was acceptable.
94. According to Griffin, none of the individuals Spencer mentioned had said anything about her attire.
95. Griffin also advised Rivera that she was not aware of any complaints regarding Rivera’s attire.
96. On or about December 21, 2020, around 1 P.M., In a meeting titled ‘Public Work Meeting Agenda, ’ Riviera was one of the meeting topics of discussion.
97. Rivieras’ work attire was discussed at the meeting
98. Only after Riviera went to Human Resources to complain about female co-workers.
99. Spencer told Riviera, " You know Andre Wilson has these tendencies to be emotional and thirsty for a female at work?".
100. Spencer advised Riviera that Andre Wilson has multiply job relations with other female employees.
101. Jeffery Spencer “Well, he’s been through a lot; I know he told you his story.”

102. Riviera later sent a text to Jeffery Spencer Riviera expressing her concern about Andre Wilson aggressively displaying his emotions.

103. Jeffery Spencer didn't follow up on Riviera's quest to have Andre Wilson back off.

104. Riviera found out that Andre Wilson was 'feeding' Spencer information that she only told Wilson.

105. On or about October 9, 2020 Spencer promoted Wilson to 'Supervisor.'

106. On or about January 4, 2021, Riviera texted Spencer; Steve Bunt stated that Orion Mairena, her son had a work-related injury in the text. Mairena's injuries were located around the 'neck and upper shoulders. Mairena informed his supervisor at the time Andre Wilson.

107. Wilson didn't report the injury to Bunt and went to Jeffery Spencer, not to report the injury

108. Wilson told Mairena to show up to work, or you shall be 'disciplined.'

109. Wilson explained to Bunt that Mairena has refused to come to work, and disciplinary action must occur.

110. Wilson never told Bunt of the work injury Mairena obtained.

111. Mairena came forward and filed a 'workman's compensation' injury claim.

112. Bunt was not informed that Wilson knew of the injury to Mairena.

113. Jeffery Spencer knew and didn't say anything to Bunt until Mairena filed an injury claim.

114. Jeffery Spencer "Blew Off" the injury claim and told Inspectors not to pursue the investigation.

115. Jeffery Spencer instructed Bunt not to discipline Wilson for the lack of not reporting a work-related injury.

116. Jeffery Spencer explained that "I knew Andre Wilson would be pushing or start talking to you regarding a relationship because of how you look."

117. On or about January 26, 2021 Riviera complained to Spencer that Andre Wilson, fellow co-worker, was trying to pursue a relationship with her.

118. She advised Spencer that she did not welcome Wilson's advances.

119. Spencer failed to tell Wilson to 'stop' harassing Riviera.

120. Riviera also told Spencer that Wilson was targeting her son once again told Jeffery Spencer that Wilson was targeting her son, Mairena
121. On or about April 7, 2021, Rivera's Mother was sick.
122. Riviera went to Florida to be by her side.
123. Spencer didn't ask Riviera for a doctor's note.
124. On or about June 8, 2021 Riviera's younger brother passed away.
125. On or about June 29, 2021, Spencer talked about Kaylie Harris, a female army specialist who committed suicide on or about May 2, 2021, after sexual assault.
126. For the second time, Spencer described in grim detail what happened to the women in the Navy who did not go along with the sexual advances of their male colleagues.
127. Riviera did not initiate the inappropriate conversation with Spencer nor did she participate in the conversation.
128. On or about July 1, 2021, Riviera left with her children and grandson to lay her brother to rest in Miami, Florida.
129. Spencer didn't ask for documentation
130. On or about July 10, 2021, Riviera returned to Hampton Roads area.
131. Unfortunately, she contracted a severe upper respiratory infection.
132. As a result of her illness she was absent from work.
133. Spencer didn't ask for a doctor's note for absence.
134. On or about August 14, 2021, Riviera's daughter sustained severe injuries from a vehicle accident.
135. On or about August 17, 2021, Riviera was approved FMLA to care for her daughter.
136. On or about August 18, 2021, Spencer contacted Riviera's daughter.
- CONTACTED HER FOR WHAT
137. On or about August 20, 2021, Riviera took her grandson to the doctor's office for COVID testing
138. Spencer didn't ask for a doctors' note.
139. On or about August 25, 2021, Riviera went home early to attend her daughter's home care class instructions.

140. Spencer didn't ask for a doctors' note.
141. On or about August 27, 2021, Riviera left the job early for a dental appointment.
142. Spencer didn't ask for a doctor's note.
143. On or about August 31, 2021, Riviera filed an EEO complaint with the City of Chesapeake Human Resource Officer Kelvin Foye, Naming Jeffery Spencer, and Andre Wilson.
144. On or about September 3, 2021, Friday, Riviera was not feeling well.
145. She asked he, son to inform Spencer of a hospital admission.
146. On or about Saturday, September 4, 2021, Jeffery Spencer reviewed the voice mail message.
147. On or about September 7, 2021, Riviera returned to work
148. Riviera never got the chance to see the emergency room doctors.
149. The hospital was full of patients with COVID emergencies.
150. On or about September 9, 2021, Spencer asked for a doctor's note for missing one day.
151. On or about September 3, 2021 Riviera questioned Spencer regarding his 'need' for a note for missing one day and why, since Riviera was working for two full days with no signs of impairment.
152. Spencer stated because I said so! Follow orders! I am your supervisor; I can ask for a doctor's note for 'One Day.'
153. Spencer went on to say, "Since you missed three days of work in the hospital; for three days, I need a note".
154. Riviera explained that she missed one working day.
155. Riviera went on to say, "What I do on the weekend and off-hours is none of your business."
156. Spencer stated to provide a note; I don't care from where
157. Riviera said she was on FMLA and had personal and sick days to use.
158. Spencer failed to asked Riviera to submit leave or sick leave for the day of September 3, 2021.
159. Spencer complained about Riviera to Earl Sorey, Public Works Director for the City of Chesapeake..
160. On or about September 10, 2021, Spencer ordered to meet with Sorey.

161. Sorey told Riviera, " I am asking you to resign because it's not going to be pretty on you."

162. Sorey stated to Riviera, 'It would be in your best interest to resign from employment.

163. " Riviera stated 'why should I resign for missing one day of work?"

- a. On or about September 10, 2021, Sorey, suspended Riviera, pending investigation.
- b. On or about September 27, 2021, Riviera was terminated.

WHEREFORE, the Plaintiff demands judgment against the CITY OF CHESAPEAKE and severally in the amount of Five Hundred Thousand Dollars (\$500,000.00), and to recover her costs and attorney fees, including prejudgment interest on all sums awarded, expert fees, other litigation expenses and such other relief and damages as the Plaintiff's cause may merit.

Joiecel Riviera

Marqueta Tyson

Counsel

I ASK FOR THIS:

Marqueta N. Tyson
Attorney and Counselor at Law
SB #47915
The Tyson Legal Team, PLC
101 Eaton Street
Suite 103
Hampton, VA 23669
Phone (757)723-8500
Email: tysonteam101@gmail.com